

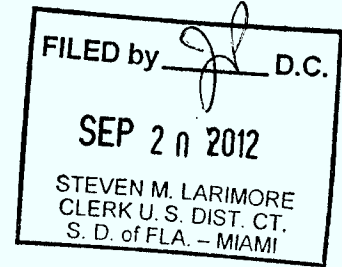
IN THE FOR THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. **12-CV-23497 Graham/Goodman**

Antoine Fernand Saint-Surin  
Plaintiff,

v.

Federal Bureau of Investigation,  
Department of Justice,  
Defendants.



COMPLAINT FOR INJUNCTIVE RELIEF/DOCUMENT RELEASE

1. This is an action under the Freedom of Information Act, 6 U.S.C. section 552, and the Administrative Procedure Act, 5. U.S.C. section 701 et seq., for injunctive and other appropriate relief, and seeking the expedited process in and release of agency documents requested by plaintiff from defendant Federal Bureau of Investigation, hereinafter also called FBI, who is under the authority of the Department of Justice.

JURISDICTION AND VENUE

2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. section 552(a)(4)(B), (6)(E)(iii).
3. This court also has jurisdiction over this action pursuant to 28 U.S.C. section 1331 and 5 U.S.C. section 701 et seq.
4. Venue lies in this district under 5 U.S.C. section 552(a)(4)(B).

PARTIES

5. Plaintiff, Pro-Se, is an adult incarcerated male seeking a very specific, and limited documents from his OWN FBI file to assist and support contentions and allegations contained in motions filed in his Appellate Court and to further be used in support of other motions filed or to be filed in the District Court, Appellate Court, and Supreme Court.
6. Defendant, Department of Justice is a Department of the Executive Branch of the United States Government. The DOJ is an agency within the meaning of 5 U.S.C. section 552(f).
7. Defendant Federal Bureau of Investigation is a component of the Department of Justice. The FBI

is an agency within the meaning of 5 U.S.C. section 552(f).

8. Defendant Eric Holder is Attorney General of the United States and heads the Department of Justice. This defendant is responsible for both DOJ and FBI compliance with the laws of the United States and regulations promulgated under such laws, including the laws and regulations at issue in this case.

#### DEFENDANT FBI

9. the FBI alleges its agent secured the signature of the Plaintiff on its form FD-395 (Miranda Waiver) and Advice of Rights document(s) prior to plaintiff's illegal extraction from Ecuador. Plaintiff contends he never signed such form(s) and that his signature was forged. An independent Forensic Handwriting Expert's report, (Exhibit "A") confirmed that the copies of said forms made available for forensic review clearly indicated that said signatures were in fact forged or "photo shopped" on to these forms. The report further supports the allegations by plaintiff that his signature was also forged on another contested document produced by his prior counsel after being admonished by a District Judge for potential conflict of interest, and his admission he could not "remember" if a waiver of conflict agreement for the prior representation of numerous co-defendants existed. After SIX months defense "found" the proffered document, allegedly containing the signature of the Plaintiff, which forensic examination later confirmed its forgery (Exhibit "B").

Access to the estimated FOUR (4) single page documents requested will be further used by the Plaintiff in this action in support of Defendant's Criminal Case number: 05-60078-CR-MARRA and Appeals Case numbers: 11-10640-CC and 12-10597-CC.

10. That all attempts by Plaintiff and the Forensic Handwriting Expert to obtain or inspect the original forms, or to arrange an examination or viewing of same have been unsuccessful because the original documents do not exist, have been lost, misplaced or destroyed according to the sources who should have the original of said four documents. The Plaintiff believes and alleges one or more of these actions have occurred to cover up the conspiracy against him and to protect the agents and his former attorney from truthful discovery and disclosure of the forgery of his signatures. That several parties are complicit in this actions and should be held accountable.

#### PLAINTIFF'S FOIA REQUEST AND REQUEST FOR EXPEDITED PROCESSING (HISTORY)

11. By means of a letter and applicable identify forms mailed to Defendant FBI dated and mailed on 12/23/2011, plaintiff requested under the FOIA "the release of the SPECIFIC documents," which at most total four pages. The Plaintiff sought the release of FBI form FD-395 and "Advice of Rights" form(s). Release of said documents

requested would in NO way impede or compromise the security of the U.S.A. or diminish/reveal its investigative techniques. In spite of this specific request (Exhibit "C"), the document request was denied based on in part on the grounds that it ..."could reasonably be expected to interfere with enforcement proceedings...(Exhibit "D") dated March 5, 2012. Per said letter's instructions, Plaintiff filed an appeal in writing to the Director, Office of Information Policy (OIP), U.S. Dept. of Justice (Exhibit "E") on March 16, 2012.

12. That this Administrative Appeal (Exhibit "E") was denied on April 25, 2012 by Janice Galli McLeod, Associate Director, U.S. Dept. of Justice, office of Information Policy, with instructions an additional Administrative Appeal could be filed, (Exhibit E-2). A second letter of was received on May 4, 2012 from the Federal Bureau of Investigation (Exhibit "F") that stated per Plaintiff's Administrative Appeal, "FBI Records Management Division has determined that there may be public source information in possible responsive files that may be released to you."

[Note, the original of the forms requested under the F.O.I. should have been on file with the Clerk of the Circuit Court, thus be public records available to any interested party.]

However, only COPIES of the documents requested have been made available.

The Court, Prosecutor, FBI and prior attorneys all have miraculously lost, misplaced, destroyed or spirited away all originals, unless they are still in possession by the FBI, who will not acknowledge same.

13. The government improperly concluded that the records sought were enforcement records and further stated in their reply letter (Exhibit G) "that there is a pending or prospective law enforcement proceeding relevant to these responsive records; and that release of the information contained in these responsive records could reasonably be expected to interfere with the enforcement proceedings." This is a false statement.

14. Noting could be farther from the truth. All the other parties in the underlying criminal case have plead and been sentenced or released years ago, as proffered by the Prosecution and defense counsels during plaintiff's sentencing hearing. Further, that the FBI case relative to same has been closed. Their objection and refusal to release said records was not for the reasons stated, but to improperly protect their agents from prosecution for violating their oaths, duties and other violations of the law.

15. The Plaintiff appealed this denial on or about the 6th Day of June 2012, clearly stating why plaintiff's very limited and specific request did not meet the denial criteria cited in the first denial, and further disclosing why the information was essential and necessary to allow plaintiff to properly defend himself in a criminal action, thus he was being deprived of equal justice under the law (Exhibit "H").

16. That the Appeal was Denied on September 6, 2012 (Exhibit "J") based on the allegation that the request was protected from disclosure under 5 U.S.C. section 552(B)(7)(A). This provision concerns records or information

complied for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings. In fact, these public documents would NOT interfere with enforcement proceedings unless forgery is an enforcement proceedings.

17. The statements in the Appeal Denial are totally without merit. Requesting access or copies of documents plaintiff allegedly signed would in no way interfere with enforcement proceedings, unless such enforcement proceedings advocated FORGERY of a defendant's signature. Pursuant to their letter of denial dated September 6, 2012 (Exhibit "J"), I am allowed to file this action in district court in accordance with 5 U.S.C. section 552(a)(4)(B) seeking redress by the Court.

18. To date, defendants have not released documents requested by Plaintiff.

19. Plaintiff has exhausted all applicable administrative remedies.

20. Plaintiff is entitled to expedited processing of its FOIA request under the standards contained in defendant DOG's regulations.

21. Defendants have wrongfully withheld the requested records from plaintiff.

#### CLAIMS FOR RELIEF

##### FIRST CLAIM: VIOLATION OF THE FOIA--FAILURE TO RESPOND TO REQUEST FOR EXPEDITED PROCESSING

22. Plaintiff repeats and realleges paragraphs 1-21.

23. Defendants' failure to timely respond to plaintiff's request for expedited processing violates the FOIA, 5 U.S.C. section 552(a)(6)(E)(ii), and the defendant DOJ's own regulation promulgated under the Act, 28 C.F.R. section 16.5(d)(4).

24. Defendant's failure to timely respond is arbitrary, capricious, and abuse of discretion, not in accordance with law and without observance of procedure required by law.

##### SECOND CLAIM: THAT THE FBI FAILED TO COMPLY WITH THE LIMITED REQUEST OF THE PLAINTIFF CITING DEFENSES AND REASONS NOT APPLICABLE TO THE REQUEST AT HAND

25. Plaintiff repeats and realleges paragraphs 1-21.

26. The FBI could have simply redacted any information contained in the very specific request of the plaintiff that met the lawful exceptions of FOI information release, as plaintiff stated he only sought the signatures contained on the documents. A redacted version would certainly meet all the requirement for FOI release.

Further, FBI counsel, who reviewed the request(s) was aware it could of complied with the request(s) by submitting the FOUR (4) single sheet documents to a District Court Judge to review "in camera" and further request that any data contained therein that the Court felt should be exempt or not disclosed be redacted before delivery

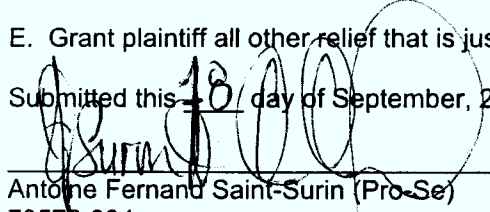
to plaintiff.

PRAYER

Plaintiff requests that this Court:

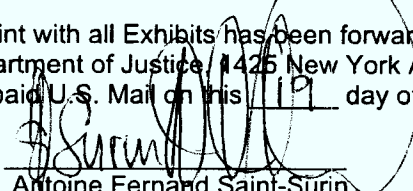
- A. Order defendants immediately to process the requested records in their entireties; OR submit same to the District Court for in camera review before releasing same.
- B. Order defendants, on completion of the expediting processing, to disclose the requested records in their entireties and make copies available to plaintiff and the ORIGINAL documents available for further forensic review by a licensed/certified forensic examiner.
- C. Provide for expeditious proceedings in this action;
- D. Award plaintiff its costs and reasonable fees incurred in this action; and
- E. Grant plaintiff all other relief that is just and proper.

Submitted this 18 day of September, 2012 by:

  
\_\_\_\_\_  
Antoine Fernand Saint-Surin (Pro-Se)  
73572-004  
Miami FCI  
P.O. Box 779800  
Miami, FL 33177

CERTIFICATE OF SERVICE

A true copy of the forgoing complaint with all Exhibits has been forwarded to Eric Holder, Attorney General for the United States, Department of Justice, 1425 New York Ave, N.W., Washington, D.C. 20530-0001 by first class postage paid U.S. Mail on this 18 day of September, 2012.

  
\_\_\_\_\_  
Antoine Fernand Saint-Surin

ATTACHMENT / EXHIBIT 1

FORENSIC DOCUMENT EXAMINERS INC.



FORENSIC REPORT FOR:

ANTOINE FERNAND SAINT-SURIN

FEBRUARY 8, 2012

**Box 811958**

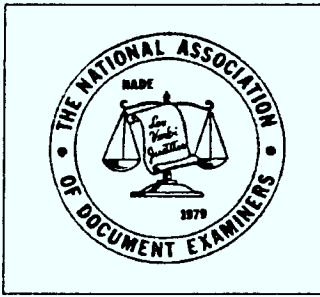
**Boca Raton, Florida 33481**

**561.361.0007**

[www.FloridaDocumentExaminer.com](http://www.FloridaDocumentExaminer.com)

Exh. b. t "A"

**FORENSIC REPORT**



**Forensic Document Examiners Inc.**

**E. C. Bryan**

**Box 811958**

**Boca Raton, Fl. 33481**

**561.361.0007**

**BocaForensic@aol.com**

**www.FloridaDocumentExaminer.com**

February 8, 2012

Dear Mr. Saint-Surin:

At your request, I examined the following photo copies of the questioned documents you provided using forensic techniques. The procedures are grounded in the generally accepted body of knowledge and experience in the field of forensic document examination. By following these procedures a forensic document examiner can ascertain within a degree of certainty the authenticity of a signature and or document.

***Questioned documents: (referred to as Q-1 through Q-3)***

- Q1. Document 479-2 KONSEY DE DWA letter (copy)
- Q2 Document 479-3 Federal Bureau of Investigation Advice of Rights form (copy)
- Q3. Document 479-4 Federal Bureau of Investigation Advice of Rights form (copy)

***Comparison: (referred to as K-1)***

- K1. Document 479-1 (undisputed signatures / copy)

***Comments:***

Photocopies were provided as representative of a true and correct copy of the original documents. This examiner requested the original documents for examination but only

③



photocopies were available at this time. Any opinion rendered is based on the copies being a true representation of the originals. This examiner reserves the right to modify / add to the opinion stated herein, based on availability and further examination of the original documents

***Conclusion: (original reports have my raised seal on each page)***

This examiner was asked to compare the "headers" otherwise referred to as the "tops of each page" of the above referenced questioned documents to known authentic documents. I was to determine whether or not the documents were manufactured, created from sections of random documents using a "cut and paste" or "Photo Shop" method. This examiner compared the "tops of the pages" of Q1-Q3 to the K1 (authentic) document and found stark dissimilarities in the print quality and copy methods.

The fonts, or individual letters on the headers, on the tops of each of the Q1-Q3 pages are smooth, non-pixelated (not surrounded by or comprised of small dots) in appearance. There are no signs of surrounding small dots representing a digitalization process.

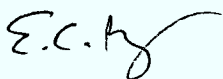
The fonts, the typed body of each of the questioned documents appears heavily pixelated by contrast (heavily dotted in appearance). My observations imply that the tops, the headers of the questioned pages and the body, the text, were produced not only at different times, but using different methods. There is no other explanation at this time for the obvious signs of pixels in the text (body) of the documents while none appear in the headers. The pixels are also evident in the signature of Mr. Antoine Saint-Surin as well as others on the questioned documents.

The exhibits (enlargements) of the questioned documents were produced by my MiScope IR digital microscope and digital camera. The enlargements clearly show the non-pixelated and the pixelated sections in question.

In conclusion, this examiner has determined the documents in question to be composites of digitalized and photocopied documents. If the original documents this examiner requested become available I reserve the right to offer additional observations.

If you have any questions, please do not hesitate to call.

Sincerely,



E. C. Bryan

Certified Forensic Document Examiner
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**QUESTIONED DOCUMENTS**

**Q1 through Q3**

## KONSÈY DE DWA

Plas CALAYAGUIL, ECUADOR  
Date 11/13/2007  
Lè 9:05 AM

### DWA OU

Avann poze ou keksyon, se pou ou konprann dwa ou.

Ou gen dwa padi anyen.

Nenpòt sa ou di ka sèvi kont ou nan tribinal.

Ou gen dwa mande ou avoka konsèy avan nou poze ou nenpòt keksyon.

Ou gen dwa gen yen ou avoka avèk ou pandan yap poze keksyon.

Si ou pa gen moyen pou peye ou avoka, ya pe deziyen yon pou ou, avan yo kòmanse poze ou keksyon, si ou vle.

Si ou deside pou reponn keksyon koulyea san prezans ou avoka, ou gen dwa sispann reponn lè ou vle.

### RENONSASYON DE DWA

Mwen li deklarasyon dwa'm é mwen komprann dwa'm yo. Koulyea, mwen detèmine pou'm reponn keksyon san prezans ou avoka.

Siyen

Temwen:

Temwen:

Lè:

9:07 AM

By Tref - Translator

Q-2

Case 0:05-cr-60078-KAM Document 479-3 Entered on FLSD Docket 02/01/2011 Page 1 of 1

FD-395  
Revised  
11-05-2002FEDERAL BUREAU OF INVESTIGATION  
**ADVICE OF RIGHTS****LOCATION**

Place:

GUAYAQUIL, ECUADOR

Date:

NOV. 13, 2009

Time:

9:07 AM

**YOUR RIGHTS**

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions.

You have the right to have a lawyer with you during questioning.

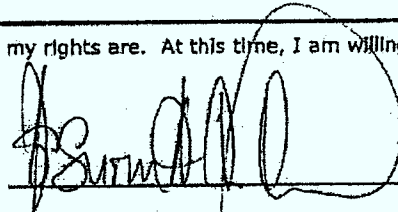
If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you have the right to stop answering at any time.

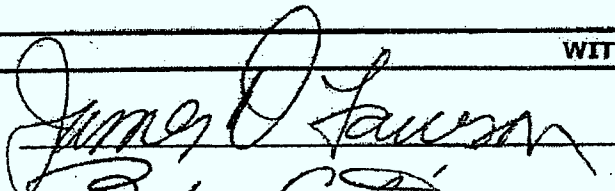
**CONSENT**

I have read this statement of my rights and I understand what my rights are. At this time, I am willing to answer questions without a lawyer present.

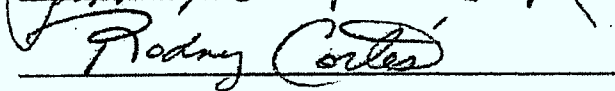
Signed:

**WITNESS**

Witness:



Witness:



Time:

9:11 AM

 = TRANSLATOR

0-3

Case 0:05-cr-60078-KAM Document 479-4 Entered on FLSD Docket 02/01/2011 Page 5 of 5

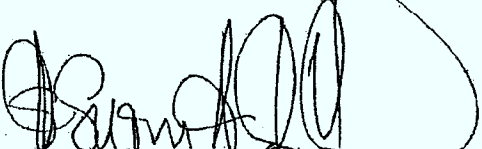
LEGAL SERVICES AGREEMENT  
Page 5 of 5

contingent on my truthful and complete cooperation with him. If I have been untruthful as to a material fact, fail to cooperate in any significant way, or fail to meet the entire financial obligations stated above, then my attorney may declare this agreement void and withdraw from my representation.

The above and foregoing fee agreement is accepted by me on this 5 day of <sup>Jan</sup> Nov. 2005. JD

**WARNING: THIS IS A LEGAL BINDING CONTRACT. BEFORE SIGNING PLEASE READ IT CAREFULLY AND BE SURE YOU UNDERSTAND ALL OF IT'S CONTENTS. IF THERE IS ANYTHING YOU DO NOT UNDERSTAND, ASK ABOUT IT. DO NOT HESITATE TO HAVE THIS AGREEMENT REVIEWED BY ANOTHER ATTORNEY OF YOUR CHOICE. I ENCOURAGE IT.**

READ, APPROVED, AND ACCEPTED

  
Antoine Fernand Saint Surin

**K-1 DOCUMENT FOR COMPARISON**

~~Case 0:05-cr-00178-KAM Document 429-1~~ Entered on FLSD Docket 04/09/2010 Page 15  
17

26. On March 17, 2004, at approximately 2:00 P.M., Marcelin placed a recorded telephone call to SAINT SURIN. The importation scheduled for this date was delayed because SAINT SURIN had been unable to accumulate the number of kilograms he desired to attempt an importation. SAINT SURIN informed Marcelin that between 20 and 25 kilograms of cocaine would be imported. SAINT SURIN agreed to use American Airlines flight number 2106 instead of 936 to import the cocaine-laden suitcase to MIA.

27. On March 19, 2004, SAINT SURIN advised Marcelin during a recorded telephone call that the importation scheduled for this date had been cancelled because no legitimate ITI baggage had been checked aboard flight 2106 to conceal the presence of the cocaine-laden suitcase and a "ticket problem" had been encountered. No new date for the importation was set because the corrupt American Airlines ramp workers at MIA were beginning vacations that would last until on or about March 31, 2004.

28. By his signature below, the defendant verifies that:

- A) he has read and understood the foregoing;
- B) the stipulated factual record is true and correct;
- C) he signs this document freely and voluntarily after he has received the advice of his counsel.

JEFFREY H. SLOMAN  
UNITED STATES ATTORNEY

Date: 4/9/10

By: Donald F. Chase II  
DONALD F. CHASE, II  
ASSISTANT UNITED STATES ATTORNEY

Date: 4/9/10

By: Joel Defabio  
JOEL DEFABIO, ESQUIRE  
ATTORNEY FOR THE DEFENDANT

Date: 4/9/10

By: Antoine Fernand Saint Surin  
ANTOINE FERNAND SAINT SURIN  
DEFENDANT

**EXHIBITS/GRAPHICS**  
**(REFERRED TO AS "E")**

**E-1. PHOTO COPY OF KNOWN ORIGINAL INK WRITING**

**E-2. DOCUMENT 479-2 (Q-1)**


**E-3. DOCUMENT 479-3 (Q-2)**

**E-4. DOCUMENT 479-4 (Q-3)**



**EXHIBITS/GRAPHICS**

**E-1. PHOTO COPY OF KNOWN ORIGINAL INK WRITING**

  
ORIGINAL NON-COPY INK SIGNATURE  
Dine Fer  
72004

**EXHIBITS/GRAPHICS**  
**(REFERRED TO AS "E")**

**E-2. DOCUMENT 479-2 (Q-1)**

## KONSÈY DE DWA

Plas CHAYATONIL, EDUARD  
Date 11/13/2007  
Lè 9:05 AM

### DWA OU

Avann poze ou keksyon, se pou ou konprann dwa ou.

Ou gen dwa padi anyen.

Nenpòt sa ou di ka sèvi kont ou nan tribinal.

Ou gen dwa mande ou avoka konsèy avan nou poze ou nenpòt keksyon.

Ou gen dwa gen yen ou avoka avèk ou pandan yap poze keksyon.

Si ou pa gen moyen pou peye ou avoka, ya pe.deziyen yon pou ou, avan yo kòmanse poze ou keksyon, si ou vle.

Si ou deside pou reponn keksyon koulyea san prezans ou avoka, ou gen dwa sispann reponn lè ou vle.

### RENONSYASYON DE DWA

Mwen li deklarasyon dwa'm é mwen komprann dwa'm yo. Koulyea, mwen detèmine pou'm reponn keksyon san prezans ou avoka.

Siyen

Temwen:

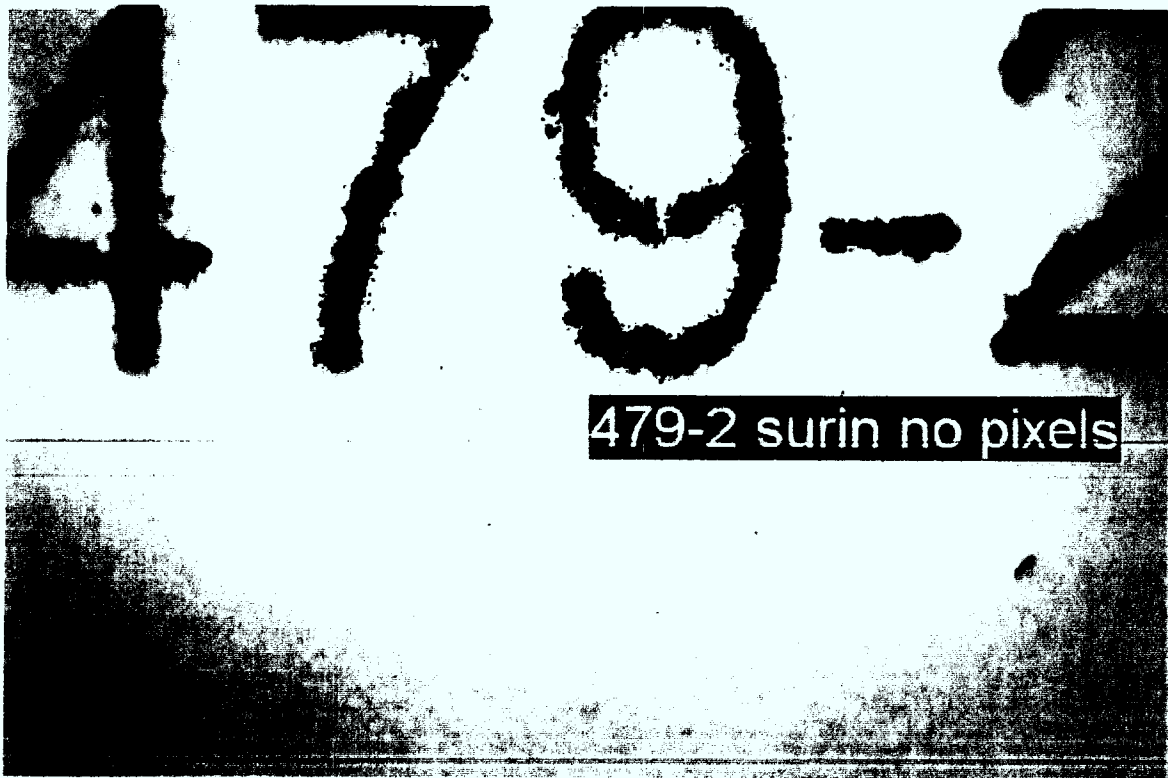
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Lè:

9:07 AM

Ray Truff - Translator

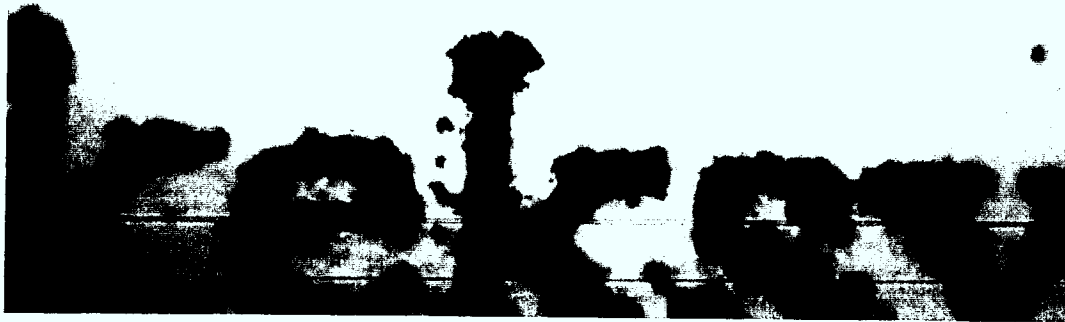






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479-2 surin pixels

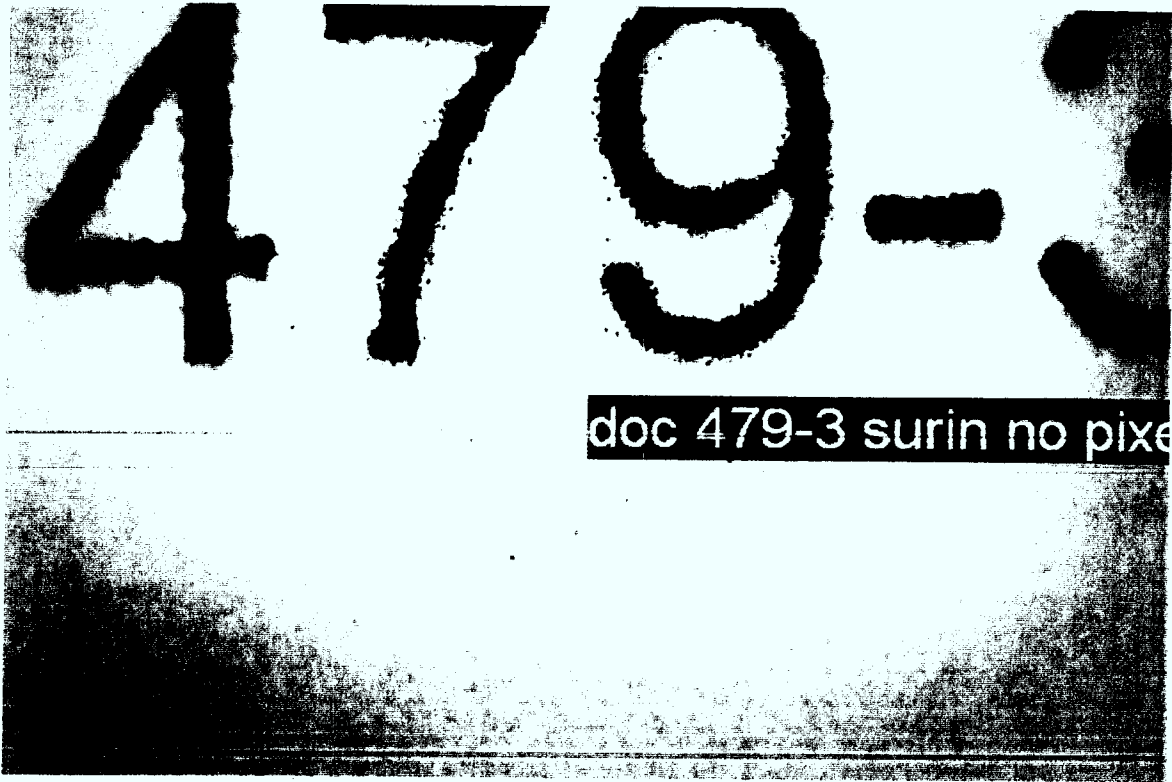






**EXHIBITS/GRAPHICS**  
**(REFERRED TO AS "E")**

**E-3. DOCUMENT 479-3 (Q-2)**



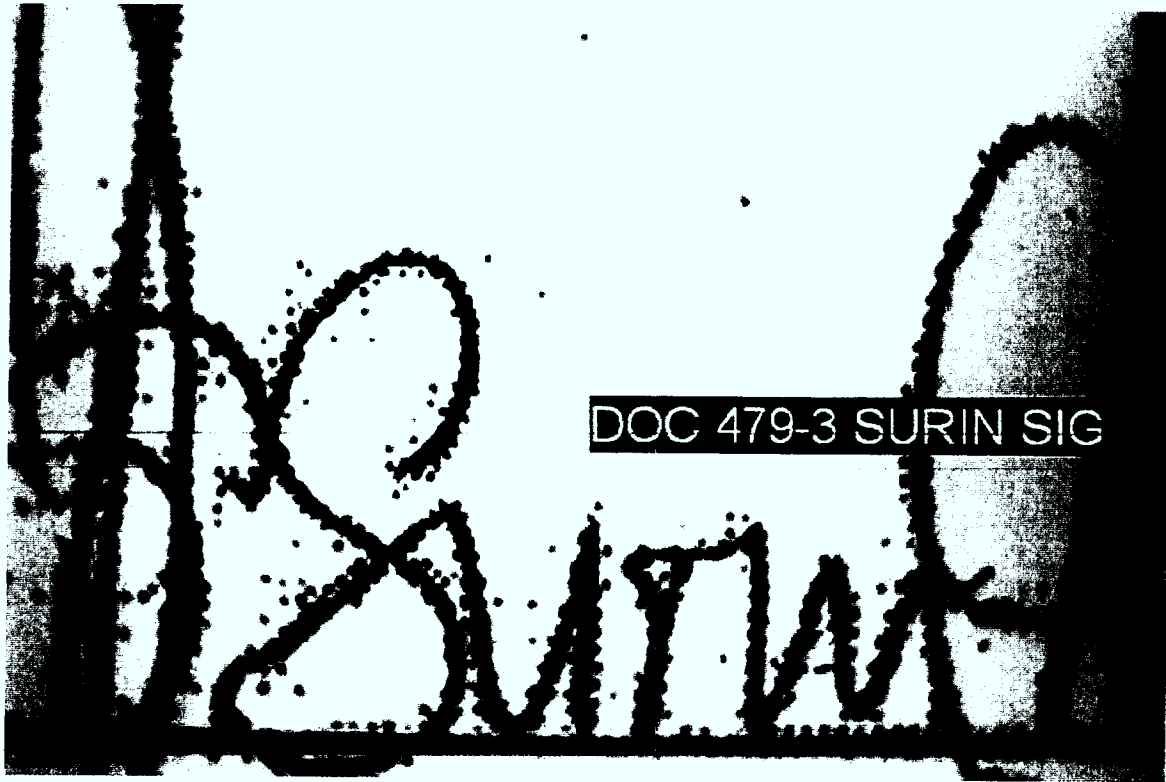
479-3

En

DOC 479-3 HEADER COMPARED TO TEXT

FEDERAL B





DOC 479-3 SURIN SIG

**EXHIBITS/GRAPHICS**

**(REFERRED TO AS "E")**

**E-4. DOCUMENT 479-4 (Q-3)**



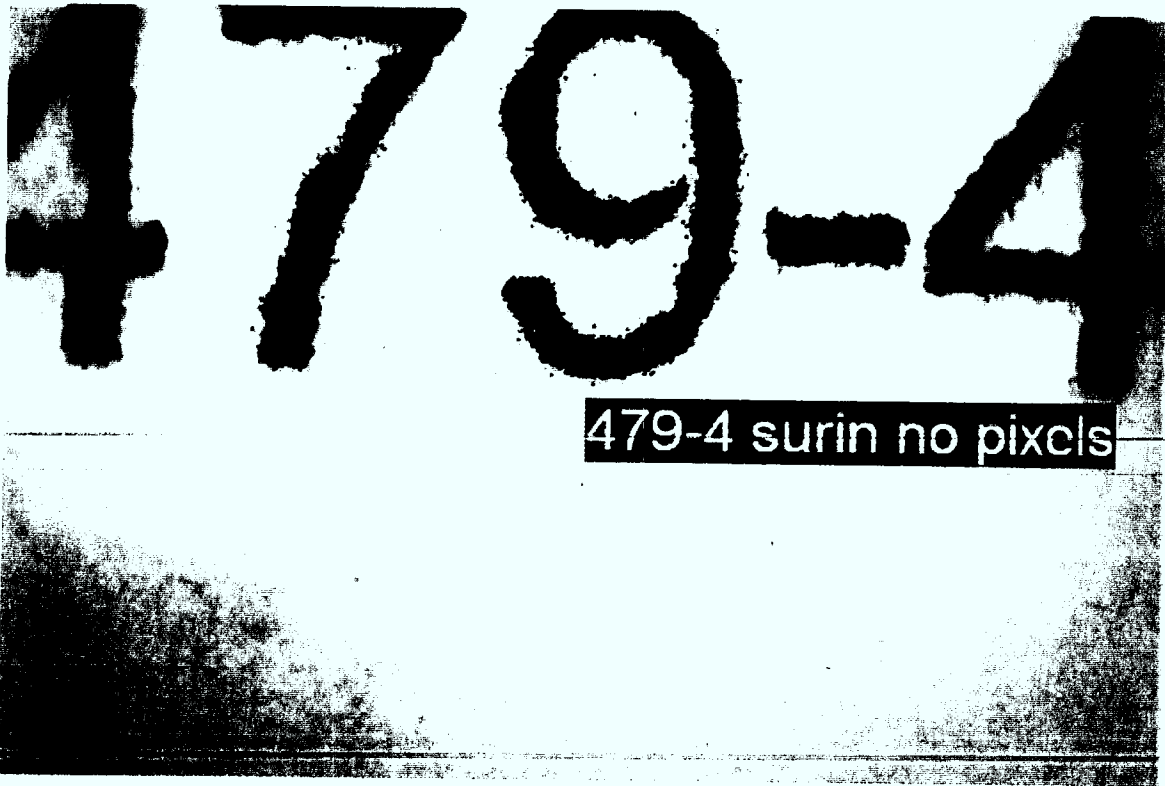
DOC 479-4 SURIN SIG

Antoine

A high-contrast, black and white image of a handwritten signature and a printed name. The signature is written in a cursive, somewhat stylized script. Below the signature, the name "Antoine" is printed in a bold, sans-serif font. A rectangular box containing the text "DOC 479-4 SURIN SIG" is superimposed over the middle of the signature.







LEGAL SERVICES AGREEMENT

This is to confirm, in writing, the agreement concerning the services to be provided and fee to be charged by Joel DeFabio, Esquire, 2121 Ponce de Leon Boulevard, Suite 430, Coral Gables, Florida 33134, for handling the following legal matter:

Representation of **Antoine Fernand Saint Surin(USA v. Surin, et. al. Southern District of Florida, 05-60078-cr-Manna)**. I understand that Joel DeFabio, Esquire may represent me by:

Advising and counseling; investigating the law and the facts; preparing for hearing(s); negotiating with the federal authorities; employing co counsel and expert witnesses; collaborating with other attorneys; and representation in court proceedings as necessary. More specifically, Mr. DeFabio is authorized and instructed to negotiate and arrange the terms and conditions of my surrender and plea agreement in regards to the aforementioned pending indictment against me.

I understand that Mr. DeFabio does not guarantee a particular result or sentence. I further understand that should I decide to challenge the charges against me and proceed to trial, Mr. DeFabio will be required to withdraw as my attorney and I will be required to retain new counsel.

The fee for handling this matter through disposition is

There is a non-refundable retainer of balance must be paid in full before permanent notice of appearance is filed.

POTENTIAL CONFLICT OF INTEREST

I acknowledge that Mr. DeFabio represents another individual that is charged with me in the aforementioned pending indictment, and another unnamed co-conspirator, which would be a conflict of interest if I contest the charges and proceed to trial. Knowing

Exhibit "B"

JOEL DEFABIO, ESQUIRE  
Page 2 of 5

this, by executing this agreement, I waive any potential conflict of interest for the purposes of my representation as set forth herein. I do this freely and voluntarily without threats or coercion because I believe this to be in my best interests and because I want Mr. DeFabio to represent me. Should I decide to contest the charges and proceed to trial I will discharge Mr. DeFabio as my attorney, or Mr. DeFabio will be forced to withdraw as my attorney, and I will retain new counsel.

#### FIXED RATE LEGAL FEE

It is understood that this is not an hourly rate contract. This means that Joel DeFabio, Esquire will devote such time as is necessary in this matter, but the compensation will not be increased or decreased based upon the amount of hours expended. A fixed fee for legal services has been guaranteed as set forth above. In setting the above fee, the following factors have been taken into consideration; the degree of difficulty of the case, the expectations of the client, the urgency of the matter, the necessity of declining other work based upon the hours required to do this case, and the attorney's degree of expertise in the handling of criminal cases.

#### APPELLANT LEVEL PROCEEDINGS

If any appeals or extra writs are taken up with higher courts, courts of appeal, either by the prosecution or the defense

LITIAL SERVICES AGREEMENT  
Page 3 of 5

before or after trial, additional fees will be involved. This fee agreement includes only proceedings at the trial court level and does not include appellant matters.

#### COSTS AND EXPENSES

Costs and expenses over \$1500.00 are in addition to attorney's fees. These costs and expenses include, for example, fees for investigators, expert witnesses, couriers, travel expenses, long distance phone calls, costs for copying, transcripts, filing fees, exhibits depositions, court reporters, etc. It is agreed that any costs advanced by the attorney will be billed to you and paid within thirty (30) days. If, at the conclusion of this matter there are advanced costs which remain unused, it is agreed that these funds will be applied towards any unpaid fees in this contract, or any other contract for representation between Joel DeFabio, Esquire and the client.

#### COLLECTION

If is necessary to institute collection action or arbitration to enforce this agreement, costs of collection, including reasonable attorney's fees, will be incurred and payable in addition to all amounts for fees, costs and expenses previously described.

JOEL DEFABIO AGREEMENT  
Page 4 of 5

ATTORNEY'S RIGHT TO WITHDRAW

If you are unable to meet the financial requirements of this agreement, Joel DeFazio, Esquire reserves the right to withdraw from your case.

TERMINATION OF CONTRACT

This agreement to render services in your case will end at the time that charges are dismissed (with or without pretrial), final sentencing proceedings, or the withdrawal of Mr. DeFazio as counsel.

FILE RETENTION

The contents of the client's file are owed by Joel DeFazio, Esquire and shall remain the property of him after the conclusion of the case.

CONFIDENTIALITY

It is understood that the client insists that his/her attorney protect the secrecy and confidentiality of all communications about the case. By executing this agreement, I demand invocation of the attorney/client privilege at all times except when in the professional judgment of my lawyer disclosure will aid my defense.

I understand that my attorney has agreed to represent me in only the matter(s) stated above and that his representation is

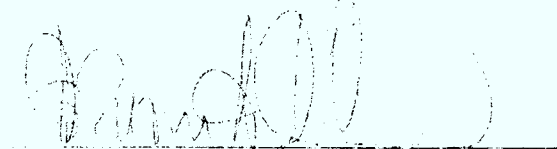
10. FEE SERVICES AGREEMENT  
Page 5 of 5

contingent on my truthful and complete cooperation with him. If I have been untruthful as to a material fact, fail to cooperate in any significant way, or fail to meet the entire financial obligations stated above, then my attorney may declare this agreement void and withdraw from my representation.

The above and foregoing fee agreement is accepted by me on this 5 day of Nov. 2005. *Antoine*

**WARNING: THIS IS A LEGAL BINDING CONTRACT. BEFORE SIGNING PLEASE READ IT CAREFULLY AND BE SURE YOU UNDERSTAND ALL OF IT'S CONTENTS. IF THERE IS ANYTHING YOU DO NOT UNDERSTAND, ASK ABOUT IT. DO NOT HESITATE TO HAVE THIS AGREEMENT REVIEWED BY ANOTHER ATTORNEY OF YOUR CHOICE. I ENCOURAGE IT.**

READ, APPROVED, AND ACCEPTED

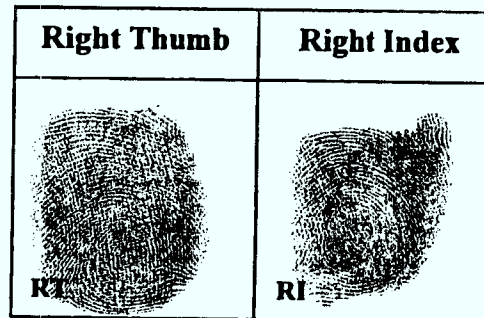
  
Antoine Fernand Saint Surin

**AGENCIES:**

- ( ) United States Parole Commission  
 (X) Federal Bureau of Investigation  
 ( ) Immigration & Naturalization Service  
 ( ) Internal Revenue Service  
 ( ) United States Attorney  
 ( ) Treasury Department  
 ( ) Bureau of Prisons  
 ( ) State Agency  
 ( ) Other: \_\_\_\_\_

**TO:****DIRECT RESPONSE TO:**Name: ANTOINE FERNAND SAINT SURINReg. No.: 73572-004Unit: FDate: 12/23/2011**IDENTIFICATION OF REQUESTER:**NAME: ANTOINE FERNAND SAINT SURINALIAS: ANTOINE ST. SURIN, OR Commandante or "Dito"DATE OF BIRTH: 4/2/1972PLACE OF BIRTH: Haiti, P-Au-PrinceF.B.I NO.: ~~None~~ 349431 FD 8SOC. SEC. NO: NONE - Not U.S. citizen✓ OTHER: See attached Dept. of Justice I.D. card

**RE: FREEDOM OF INFORMATION ACT**  
 (U.S.C. 552), PRIVACY ACT  
 (5 U.S.C. 552a (d)(1) REQUEST:  
 EXEMPTIONS (5 U.S.C. 552 (6)(C)  
 (B)(7), GENERAL (U.S.C. 552 A  
 (J)(2)) OR SPECIFIC (U.S.C.  
 552a (k)(2)) NOT APPLICABLE TO  
 THIS REQUEST.

**Dear Sir/Ms:**

This letter will serve as my request pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 52a (d)(1)), and the applicable State Statutes governing Freedom of Information Requests if state agency request, full disclosure and release of all records and / or data contained in the files of your agency, and specifically under my name and / or an identifier assigned to my name. This request is sought specifically for amendment, deletion and / or expungment (5 U.S.C. 552a (d)(2)(a)) of records maintained by your Agency. The records sought but not limited to, is the compiled file containing (1) arrest records, (2) investigatory reports, (3) reports or evidentiary and / or scientific information findings, (4) wants, warrants, and / or detainers, (5) final and closing investigation reports: and (6) any and / or all information, data, or reports not otherwise exempt by statute (5 U.S.C. (66)(c)(b)(7)), (5 U.S.C. 52a (j)(2), (k)(2), or law, Tarlton, v. Saxbe, 507 F.2d. 1116, 165 U.S App. D.C. 293 (1974), Menard v. Saxbe, 498 F 2d. 1017, 162 U.S. App. D.C. 284 (1974), Sullivan v. Murphy, 478 F. 2d. 938, 156 U.S. App. D.C. 28 (1973). Your Agency is advised that the investigation reports in toto are no longer accorded exempt status unless under the specific exemption noted, and only with reference to specific citation of authority, Paton v. La Prade, 524 F.2d 862, 868-69. (CA3 1975)



Specific request examples:

*Federal Bureau of Investigation Form FD-395*

1. Also: copy of: ADVICE OF RIGHTS

2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
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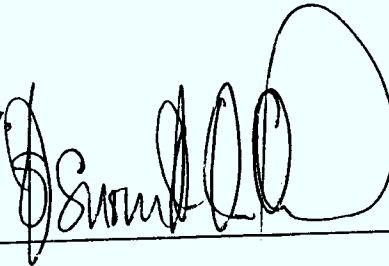
is further requested that your Agency in response to the material requested specifically inform me if and to whom the file and / or any material therein contained has been released to any identifiable individual or agency, their name, title, purpose and need for such information, the date of such release, the specific material that was released, the person within your Agency who released such information and the specific reference to authority, statute or regulation, governing such release (5 U.S.C. 52a (d)(1)), Paton v. La Parde, 524 F.2d 862 (ca3 1975), Marlton v. Saxbe, 507 F.2d. 1116, 165 U.S. App. D.C. 293 91974), of Linda R.S. v. Richard D., 410 U.S. 614, 3 S.Ct. 1146, 35 L.Ed. 2d. 536. (1973).

is further requested that your Agency provide me with a copy of specific regulations or your Department as provided by statute (5 U.S.C. 552), so that compliance with such regulations is adhered to except as otherwise provided by law (5 U.S.C. 701 et. seq.).

This request is made under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a)(together with the "alternate means of access"), to permit access to records on file with your Agency. If and for any reason it is determined that portions of the material and records sought are exempt by statute (5 U.S.C. (6)(c)(b)(7), 552a (j)(2), (k)(2) or by regulation (Menard v. Mitchell, 430 F.2d. 486, 139 U.S. App. D.C. 13 (1970), Nemetz v. Department of Treasury, 446 F. Supp. 102) I request specific citation to authority for such deletion. If it should be determined that any material be deemed CONFIDENTIAL due to identification of source, the permission is granted to Agency to delete source identification ONLY from the material for release. Paton v. La Parde, 524 F.2d. 862 (CA3 1975), Chastain v. Kelly, 510 F.2d. 1232. I further agree to pay any reasonable costs, or file IN FORMA PAUPERIS if I am indigent, provided by statute or regulation of your agency, for search and copying of the material requested.

Pursuant to Title 5 U.S.C. 552 (6)(1)(1), it is noted that your Agency has ten (10) working days following receipt of this request to provide the information and material sought. Should any delay occur, it is requested that your Agency inform me of this delay as provided by Agency regulations, and the date as to when your Agency will be able to act upon request.

Yours truly,



Dated: 12/23/2011

David S. Smith  
Witness - Miami, FL

David S. Smith  
Witness - Miami, FL

Department of Justice

## Certification of Identity



Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 522a(i) (3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester: ANTOINE FERNAND SAINT SURIN # 73572-004

Current Address MIAMI FCII, P.O. BOX 779800, MIAMI, FL 33177

Date of Birth 04/02/72

Place of Birth P- Au-Prince, Haiti

Social Security Number? NONE ISSUED, NOT U.S. CITIZEN, EUDOR Citizen of Haiti: ☒

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature: [Signature] Date 12/23/2011

### Optional: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. § 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

(Print or Type Name)

<sup>1</sup> Name of individual who is the subject of the record sought.

<sup>2</sup> Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

<sup>3</sup> Signature of individual who is the subject of the record sought.



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

March 5, 2012

MR. ANTOINE FERNAND SAINT-SURIN  
\*\*73572-004  
MIAMI FCI  
UNIT F  
POST OFFICE BOX 779800  
MIAMI, FL 33177

FOIPA Request No.: 1180677- 000  
Subject: SAINT-SURIN, ANTOINE  
FERNAND

Dear Mr. Saint-Surin:

This responds to your Freedom of Information Act (FOIA) request.

The material you requested is located in an investigative file which is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(7)(A). 5 U.S.C. § 552(b)(7)(A) exempts from disclosure:

records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ... could reasonably be expected to interfere with enforcement proceedings...

In applying this exemption, I have determined that the records responsive to your request are law enforcement records; that there is a pending or prospective law enforcement proceeding relevant to these responsive records; and that release of the information contained in these responsive records could reasonably be expected to interfere with the enforcement proceedings. For a further explanation of this exemption, see enclosed Explanation of Exemptions Form.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be identified easily.

Enclosed for your information is a copy of the FBI File Fact Sheet.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over the typed name.

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure

Exhibit "D"

3/16/2012

STEP 4

Director, Office of Information Policy (OIP)  
U.S. Dept. of Justice  
1425 New York Ave., NW, Suite 11050  
Washington, D.C. 20530-0001

Re: Freedom of Information Appeal, Antoine Fernard Saint-Surin, Request No. 1180677-000

Dear Director:

In response to the denial of my original F.O.I. request, by David M. Hardy, Section Chief, dated March 5, 2012, on the basis the records I seek are law enforcement records, this letter is serve as both a Notice of Appeal and an Informal Appeal of said denial.

Pursuant to the Appeal requirements, I am bring this action within the 60 allowed from March 5, 2012 denial.

The Reasons, Grounds, Arguments and Support for documents requested, by and for which this Appeal should be granted are as follows:

1. I am still in the process of appealing my criminal conviction before the Appellate Court and the records I seek are essential to fully completing that Appeal with all elements present. As I may further seek redress under by a Section 2255 Motion(s), it is believed the information withheld by you is essential to complete my defense, and will show sufficient impropriators, legal errors, and operational mistakes of government agents that will support my grounds for an Appeal and further Habeas Corpus relief. Without your full disclosure, my Constitutional rights, which were violated based on the limited discovery stated below, will continue to be violated and not brought to the attention of the proper parties to bring about necessary redress.
2. Through diligent discovery, I have and can prove, within a reasonable doubt, that the F.B.I. and its agents FORGED DOCUMENTS in order to assist and bring about not only my abduction from Ecuador, but in the presenting of my case to the Federal Prosecutor. In doing so, my Constitutional rights, both in Ecuador and the United States were violated.
3. That the enclosed copy of an independent FORENSIC REPORT supports my ORIGINAL protests and contentions before the Court that the authorities acted illegally, did not follow correct government procedures and violated my rights with impunity. It not only shows my own attorney forged documents to protect himself from Court admonishment, and protect a side agreement with another alleged co-conspirator who paid him to entrap me, but the agents who assisted the prosecution became co-conspirators when they forged my signature on my Miranda Rights Waiver, aka, ADVICE OF RIGHTS forms presented to the Court.
4. A diligent attempt to obtain the original of said documents has not been forthcoming by the Government, which reeks of impropriety, cover-up, abusive of authority and an attempt by agents to thwart justice or obtain convictions through illicit means to enhance their arrest/conviction record.
5. That, as a citizen of Ecuador, I was improperly transported to the U.S. by the use of illegal means, as a result of behind the scene negotiations between agents of both countries, unbeknownst to me and supervising officials, for monetary amounts yet to be exposed.
6. That the documents identified above were never properly authenticated by government officials of Ecuador, and their submission to the prosecution and the courts was improper by the agents and in violation of Federal Foreign Authentication Laws.
7. That if the true facts of the agents' actions were disclosed, their actions would rise to such egregious behavior that they

Exhibit E 1 of 2 pgs -1-

Exhibit "E"

would receive some form of punishment, sanction or penalty as the Bureau and the Courts would require. Further, that their actions were so outside the agency operating guidelines, that the assertion by F.B.I. that the documents requested need to be preserved because they are "enforcement records" is absurd and detrimental to my pursuit of a fair and impartial hearing by the Appeals Court.

8. That the only way to clear this "taint" on the government agents' actions is for a fair viewing by my defense team and the Courts of all the documents surrounding my arrest, transportation and conviction. The Prosecution has admitted in Court Records that my wife was arrested and held by Ecuadorian officials to force my cooperation and plea in the U.S. to cover-up the agents' actions.

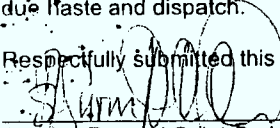
9. Further, ALL of the other parties who were alleged to be co-conspirators have been sentenced and or released, with their appeals exhausted. Thus, the release of the records sought would not harm them in any way, and would not compromise the past, current or future lawful operations of ongoing F.B.I. operations, its agents and related security services and or agreements with other countries and their respective agents. That in fact, it would help prove violations of the laws that your directives are attempting to uphold.

10. That I believe this is a "closed case," and further, based on its small stature, that the security of the U.S. would NOT be threatened or critical enforcement procedures exposed by the release of said documents. Further, if the Bureau so declares, then my defense counsel's security should be raised to a level they can review ALL the documents relating to my investigation, arrest, transportation and conviction to determine their importance. Also, that said documents could be provided the Court for in-in camera review behind closed doors with a Justice deciding if said documents can be released and what parts of said documents would need to be redacted to protect the interest of the United States. Any alleged continuing actions against other (if any) parties can have their names and social security redacted to protect same, thus there is again no viable reason for withholding same pursuant to my request.

11. That the allegations contained within this Appeal should be taken at face value and deemed true until proven otherwise by a full investigation into the truths of the matter. That the proof enclosed should be more than sufficient to warrant the granting of my document request and an internal investigation by the internal affairs division of the F.B.I.

Wherefore, based on the above, my full rights to FULL disclosure of all possible evidence against me, and the procedures it was obtained, this Appeal should be granted and expedited pursuant to the expedite rules under F.O.I. governing rules with all due haste and dispatch.

Respectfully submitted this 16 day of March, 2012 by:

  
Antoine Fernand Saint-Surin  
#73572-004  
FBI Miami  
P.O. Box 779800  
Miami, FL 33177

ENC: Forensic Report Copy

-2-

ENCL "E" 2 of 2 Pgs

7009 2820 0001 7403 1695





U.S. Department of Justice  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

APR 25 2012

Mr. Antoine Saint-Surin  
Register No. 73572-004  
Federal Correctional Institution  
Post Office Box 779800  
Miami, FL 33177

Re: Appeal No. AP-2012-01820  
Request No. 1180677  
SRO:SKV

Dear Mr. Saint-Surin:

You appealed from the action of the Federal Bureau of Investigation on your request for access to records concerning yourself.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request for further review and processing of certain records responsive to your request. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Janice Galli McLeod  
Associate Director

By:

  
Sean R. O'Neill  
Senior Attorney  
Administrative Appeals Staff

Exhibit "E-2"



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

May 4, 2012

MR. ANTOINE FERNAND SAINT-SURIN  
\*\*73572-004  
MIAMI FCI  
UNIT F  
POST OFFICE BOX 779800  
MIAMI, FL 33177

Appeal No.: AP-2012-01820  
FOIPA Request No.: 1180677- 001  
Subject: SAINT-SURIN, ANTOINE  
FERNAND

Dear Mr. Saint-Surin:

The purpose of this letter is to advise you of the status of your Freedom of Information Act (FOIA/PA) request at the Federal Bureau of Investigation (FBI). On March 6, 2012, you were mailed a letter informing you that the material you requested is located in an investigative file which is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(7)(A). 5 U.S.C. § 552(b)(7)(A) exempts from disclosure:

records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ... could reasonably be expected to interfere with enforcement proceedings...

Per an appeal, FBI Records Management Division (RMD) has determined that there may be public source information in possibly responsive files that may be released to you. Your request has been re-opened under the FOIPA number listed above and we are currently in the process of searching, gathering, and processing any responsive material related to your request.

You may inquire as to the status of your request by calling the FBI's FOIPA Public Information Center at 540-868-4593.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over a horizontal line.

David M. Hardy  
Section Chief  
Record/Information  
Dissemination Section  
Records Management Division

Exhibit "F"





U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

May 29, 2012

MR. ANTOINE FERNAND SAINT-SURIN  
\*\*73572-004  
MIAMI FCI  
UNIT F  
POST OFFICE BOX 779800  
MIAMI, FL 33177

Appeal No.: AP-2012-01820  
FOIPA Request No.: 1180677- 001  
Subject: SAINT-SURIN, ANTOINE  
FERNAND

Dear Mr. Saint-Surin:

This is in further response to your Freedom of Information/Privacy Acts (FOIPA) request.

The material you requested is located in an investigative file which is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(7)(A). 5 U.S.C. § 552(b)(7)(A) exempts from disclosure:

records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ... could reasonably be expected to interfere with enforcement proceedings...

In addition, please be advised that a search for public source information resulted in no responsive documents relative to your request.

In applying this exemption, I have determined that the records responsive to your request are law enforcement records; that there is a pending or prospective law enforcement proceeding relevant to these responsive records; and that release of the information contained in these responsive records could reasonably be expected to interfere with the enforcement proceedings. For a further explanation of this exemption, see enclosed Explanation of Exemptions Form.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be identified easily.

Enclosed for your information is a copy of the FBI File Fact Sheet.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over the typed name.

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure (2)

*Exhibit "G"*

- 2 -

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Janice Galli McLeod  
Associate Director

By: 

Anne D. Work  
Senior Counsel  
Administrative Appeals Staff

ANTOINE FERNAND SAINT-SURIN

REG. NO.: 73572004

FEDERAL CORRECTIONAL INSTITUTION

P.O. BOX 779800

MIAMI, FL 33177

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